

**Edwards & Angell** LLP

101 Federal Street Boston, MA 02110 617.439.4444 fax 617.439.4170

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**FACSIMILE TRANSMITTAL COVER SHEET**DATE: February 13, 2004

TO: Examiner W. Nicholas FAX NO.: (703) 872-9306  
(Name)

U.S. Patent Office, PCT COUNTRY: USA  
(Company)

FROM: Peter F. Corless FAX NOS.: (617) 439-4170

Our Reference No.: 50439-2 No. of pages 37  
(including cover sheet)

Your Reference No.: 09/605,442

**MESSAGE:**

Enclosed please find the Response to Final Office Action and Amendment After Final Rejection Transmittal.

Should there be any problem with this transmission, please contact Susan M. Dillon at the above telephone number.

**NOTICE**

The message and/or information which accompanies this facsimile cover sheet is intended for the addressee named above only. If you are not the intended recipient, please contact the sender by collect telephone at the number indicated. You will be advised regarding the disposition of what you have received. The misdelivery of the message and/or information which accompanies this facsimile cover sheet is not intended to be and shall not constitute a disclosure of trade secrets, of attorney work product or of an attorney-client communication. No waiver of any privilege is intended. Thank you for your attention to this matter.

Practitioner's Docket No. 50439-2 (70329)PATENT RECEIVED  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 13 2004

In re application of: Barstad et al.

Application No.: 09/605,442

Filed: June 28, 2000

For: ELECTROLYTIC COPPER PLATING SOLUTIONS  
COMPOSITIONS COMPRISING SAME

Group No.: 1742

Examiner: W. Nicholas

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Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**RESPONSE UNDER  
37 C.F.R. 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP  
1742**

**NOTE:** To take advantage of the expedited procedure the envelope in which this paper is mailed must be addressed as shown and must also be marked "Box AF" in the lower left hand corner. Alternatively, this paper can be hand carried to the particular Examining Group or other area of the Office in which the application is pending, in which case any envelope in which this paper is placed must be marked as in the bold type box above. Notice of Sept. 20, 1985 (1059 O.G. 19-20).

## AMENDMENT OR RESPONSE AFTER FINAL REJECTION—TRANSMITTAL

## CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*

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Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mail Stop AF.☐ 37 C.F.R. 1.8(a)  
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## TRANSMISSION

☒ transmitted by facsimile to the Patent and Trademark Office.Susan M. Dillon  
SignatureDate: February 13, 2004Susan M. Dillon  
(type or print name of person certifying)

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).  
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Amendment or Response After Final Rejection—Transmittal—page 1 of 4)

1. Transmitted herewith is an amendment after final rejection (37 C.F.R. 1.116) for this application.
- NOTE:** *Response to Final Rejection -- Avoiding Extension Fees* "In patent applications wherein a three month Shortened Statutory Period (SSP) is set for response to a Final Rejection, the response would best be filed within two months of the date of the Office Action. If filed within two months, any Advisory Action mailed after the SSP expires will reset the SSP to expire on the date of the Advisory Action for extension fee purposes, but never more than six months from the date of the Final Rejection." Notice of Nov. 30, 1990 (1122 O.G. 571 to 591).

**STATUS**

2. Applicant is
- ☐ a small entity. A statement:
- ☒ other than a small entity.

**EXTENSION OF TERM**

**NOTE:** As to a Supplemental Amendment filed in response to a final office action, the Notice of December 10, 1985 (1061 O.G. 34-35) states:

*"If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run."*

3. (complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$110.00	\$55.00
<input type="checkbox"/> two months	\$400.00	\$200.00
<input type="checkbox"/> three months	\$920.00	\$460.00
<input type="checkbox"/> four months	\$1,440.00	\$720.00

Fee: \$ \_\_\_\_\_

If additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

**OR**

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently

(Amendment or Response After Final Rejection—Transmittal—page 2 of 4)

overlooked the need for a petition and fee for extension of time.

### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

SMALL ENTITY						OTHER THAN A SMALL ENTITY		
Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	OR	Rate	Addit. Fee
Total	* Minus	**	=	x \$11 =	\$		x \$22 =	\$
Indep.	* Minus	***	=	x \$41 =	\$		x \$82 =	\$
[ ] First Presentation of Multiple Dependent Claim				+ \$135 =	\$		+ \$270 =	\$
Total					Addit. Fee \$	OR	Total	Addit. Fee \$

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** See 37 C.F.R. § 1.116.

(complete (c) or (d), as applicable)

- (c) [X] No additional fee is required.

OR

- (d) [ ] Total additional fee required is \$ \_\_\_\_\_.

### FEE PAYMENT

5. [ ] Attached is a check in the sum of \$ \_\_\_\_\_.  
 [ ] Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.  
 A duplicate of this transmittal is attached.

### FEE DEFICIENCY

**NOTE:** Where there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where

(Amendment or Response After Final Rejection—Transmittal—page 3 of 4)

*authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the case. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. [X] If any additional extension and/or fee is required, charge Account No. 04-1105.

AND/OR

- [X] If any additional fee for claims is required, charge Account No. 04-1105.

Reg. No. 33,860

Tel. No. (617) 439-4444

Customer No. 21874



SIGNATURE OF PRACTITIONER

Peter E. Corless

(type or print name of practitioner)

EDWARDS & ANGELL, LLP

P.O. Box 55874

P.O. Address

Boston, Massachusetts 02205

(Amendment or Response After Final Rejection—Transmittal—page 4 of 4)

Docket No. 50439-2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Barstad et al.

SERIAL NO.: 09/605,442

EXAMINER: W. Nicholas

FILED: June 28, 2000

GROUP: 1742

FOR: ELECTROLYTIC COPPER PLATING SOLUTIONS

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## RESPONSE TO FINAL OFFICE ACTION

Applicants are in receipt of and respond as follows to the Final Office Action dated July 9, 2003.

Claims 124-136 were rejected under 35 U.S.C. 102(e) over Landau et al. (U.S. Patent 6,379,522).

Claims 137-153 were rejected under 35 U.S.C. 103 over Landau et al. (U.S. Patent 6,379,522) in view of Dahms et al. (U.S. Patent 5,433,840).

For the sake of brevity, the two rejections are addressed in combination. Such a combined response is considered appropriate because, *inter alia*, each of the rejections relies on the Landau et al. as the sole or primary citation.

While Applicants disagree with the rejections, including for reasons set forth in Applicants' prior response, submitted herewith is a Rule 131 Declaration which effectively antedates the Landau et al. citation.

Barstad et al.  
U.S.S.N. 09/605,442  
Page 2

The enclosed Declaration (in several copies) includes signatures of each of the co-inventions, except for Robert Schetty. For that co-inventor, enclosed is the Declaration of the undersigned attorney which indicates that Robert Schetty has refused to sign or is otherwise unavailable; see MPEP Section 715.04.

At page 3, last paragraph of the Final Office Action, a statement is made regarding Applicants possible acquiescing to arguments.

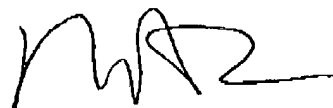
To clarify matters, Applicants strongly disagree with that position and do not acquiesce to any such arguments.

Indeed, as detailed in Applicants' prior responses and supported by literature references, it would not have been routine or somehow obvious to copper plate semiconductor microchip wafers as Applicants disclose and claim in the present application. Unique technical difficulties are faced copper plating semiconductor microchip wafers.

In view thereof, reconsideration and withdrawal of the rejections are requested.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,



Peter F. Corless (Reg. 33,860)  
EDWARDS & ANGELL, LLP  
P.O. Box 55874  
Boston, MA 02205  
(617) 439-4444